

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

-v-

JOHNNY ROMAN,

Defendant.

21-CR-190-2 (JPO)

ORDER

J. PAUL OETKEN, District Judge:

Through counsel, Defendant Johnny Roman has moved to seal any documents on the public docket that make reference to the nature of the charges in this case, ultimately requesting the “sealing of the entire docket.”

As the parties recognize, there is a strong presumption of public access to judicial documents under the First Amendment and common law. *See Lugosch v. Pyramid Co. of Onondaga*, 435 F.3d 110, 119-20 (2d Cir. 2006). This encompasses documents concerning Defendant’s charges, plea, and sentencing, as well as docket sheets. *See id.* at 121; *Hartford Courant Co. v. Pellegrino*, 380 F.3d 83, 96 (2d Cir. 2004). Defendant has not identified a sufficiently compelling and specific countervailing factor to justify sealing the entire record in this criminal case. A generalized concern for his safety based on the nature of the charges is not sufficient to meet that standard. There are over 15,000 inmates in federal custody for sex offenses. Sealing the dockets of all of their cases is neither practical nor permissible under the law. While Defendant’s concern for his safety is understandable, the BOP considers the nature of charges in determining custody classification level and takes measures to protect the safety of inmates. Many BOP institutions have sex offenders who are housed safely in general population.

Moreover, Defendant’s charges have already been in the public record for over three years. The charges are revealed by a simple Internet search. In that situation courts have held

that they “lack[] the power to make what has thus become public private again.” *United States v. Koretskyy*, No. 12-CR-439 (PAC), 2021 WL 2156259, at *2 (S.D.N.Y. May 27, 2021) (citing *Gambale v. Deutsche Bank AG*, 377 F.3d 133, 144 (2d Cir. 2004)); *see also SOHC, Inc. v. Zentis Sweet Ouations Holding LLC*, No. 14-CV-2270 (JMF), 2014 WL 5643683, at *6 (S.D.N.Y. Nov. 4, 2014).

For the foregoing reasons, Defendant’s request to seal the docket is denied.

SO ORDERED.

Dated: February 13, 2024
New York, New York



J. PAUL OETKEN
United States District Judge